

REMARKS

Claims 49, 55-56, 59-61 and 70-78 are pending. By this amendment, claims 49, 55, 59-61 and 70-71 are amended; claim 58 is canceled, and claims 72-78 are new. No new matter has been added. In view of the foregoing amendments and following remarks, Applicants respectfully request allowance of the application.

THE CLAIMS DEFINE OVER LOUIE

Claims 49, 59 and 61 stand rejected under 35 USC 102(b) as being anticipated by Louie *et al.* (USP 5,591,540). Because Louie does not disclose each of the limitations on the instant claims, the Applicants traverse.

Consider claim 49, which has been amended to recite, in part:

an outer barrier layer bonded to the inner barrier layer and having a metal layer wherein the terminals are aluminum and have a thickness of at least 50µm.

Louie does not teach or suggest this subject matter. Louie makes no mention of aluminum as a terminal material. Louie, at col. 3, lines 19-21 and lines 30-34, merely states, "[m]aterial for use as current collector include nickel, copper, gold, silver and stainless steel...Numerous such electrode materials and combinations exist, and are well known in the art, such as NiCOOH/metal hydride, NiOOH/Cd, and LiNiO₂/graphite or petroleum coke to name a few." Thus, Louie does not disclose the terminals are aluminum. Furthermore, Louie does not teach or suggest a terminal thickness of at least 50 µm, as Louie makes no mention of terminal thickness. Consequently Louie does not disclose an outer barrier layer bonded to the inner barrier layer and having a metal layer wherein the terminals are aluminum and have a thickness of at least 50µm. For at least the foregoing reasons claim 49 defines over Louie.

Claims 59 and 61 depend from claim 49 and therefore also define patentable subject matter. Accordingly, Applicants respectfully request withdrawal of the instant rejection.

THE CLAIMS DEFINE OVER LOUIE AND ORDINARY SKILL IN THE ART

Claims 60 and 70 stand rejected under 35 USC 103(a) as being unpatentable over Louie and the level of ordinary skill in the art. Because Louie in view of ordinary skill in the art does not disclose all of the limitations on the instant claims, the Applicants traverse.

Specifically, claim 60 depends from claim 49, and claim 70, like claim 49, recites that the terminals are formed from aluminum and also recites a minimum thickness for the terminals. As

already discussed Louie does not disclose aluminum terminals or terminals of a minimum thickness. The defects of Louie are not cured by the Office Action's assertion of ordinary skill in the art. There is no support in the Office Action that varying the thickness of the plastics layer to achieve a desired package flexibility and package weight and folding the sheet of laminate material along the length of the sheet in order to "conform the packages to a given form factor" would be applied by one of ordinary skill in the art to Louie. Thus, for at least the foregoing reasons, claims 60 and 70 define over the cited art. Accordingly, Applicants respectfully request withdrawal of the instant rejection.

THE CLAIMS DEFINE OVER LOUIE AND SASAKI

Claims 55, 56, and 58 stand rejected under 35 USC 103 as being unpatentable over Louie in view of Sasaki et al. (USP 6,277,516). Because Louie and Sasaki do not disclose each of the limitations on the instant claims, the Applicants traverse.

Specifically, claim 55 has been amended to recite, in part:

wherein the outer barrier layer and the inner barrier layer include a first melting point and a second melting point respectively, where the first melting point is higher than the second melting point.

The cited art does not teach or suggest this material. Louie makes no mention of melting points much less relative melting points of barrier layers. While Sasaki merely discusses that the sealant must have a lower melting temperature than the container materials. (Col 8, line 55 – Col 9, line 14). Sasaki does not discuss relative melting points between the barrier layers. The instant claims make it quite clear that the inner barrier layer and the sealant are separate and distinct. Claim 49 from which claim 55 depends, states, in part, "a sealant layer being disposed intermediate the inner barrier layer and at least one of the terminals for sealing the inner barrier layer to that one of the terminals and for offering a barrier to the passage of one or more contaminants into the cavity." Thus, the limitations of the instant claim, an inner barrier layer separate and distinct from the sealant material with the outer barrier layer having a melting point higher than the inner barrier level, are not disclosed by Sasaki. For at least the foregoing reasons claim 55 defines over the cited art.

Claim 56 depends from claim 55 and therefore also defines patentable subject matter. Claim 58 has been canceled. Accordingly, Applicants respectfully request withdrawal of the instant rejection.

THE CLAIMS COMPLY WITH 112 REQUIREMENTS

Claims 49, 70 and 71 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Claim 49 is further rejected under 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter with regard to the invention. Claims 49, 70 and 71 have been amended as suggested by the Office Action. It is believed that the rejections have been overcome. Accordingly, Applicants respectfully request withdrawal of the instant rejections.

CLAIM 71 DEFINES OVER LOUIE

Claim 71 stands rejected under 35 USC 102(b) as being anticipated by Louie *et al.* (USP 5,591,540). Because Louie does not disclose each of the limitations on the instant claims, the Applicants traverse.

Specifically claim 71 has been amended to recite, in part:

wherein the outer barrier layer and the inner barrier layer include a first melting point and a second melting point respectively, where the first melting point is higher than the second melting point.

As already discussed, Louie does not disclose the limitation. Thus, for at least the foregoing reasons, claim 71 defines over Louie. Accordingly, Applicants respectfully request withdrawal of the instant rejection.

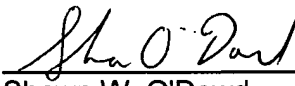
CONCLUSION

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application.

Applicants do not believe that any additional fees are required in connection with this submission. Nonetheless, Applicants authorize payment of any additional fees under 37 CFR §§ 1.16 or 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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